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Chairman: Mr. HUDYMA (Ukraine)

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AGENDA ITEM 78: REPORT OF THE SPECIAL COMMITTEE TO INVESTIGATE ISRAELI PRACTICES AFFECTING THE HUMAN RIGHTS OF THE PALESTINIAN PEOPLE AND OTHER ARABS OF THE OCCUPIED TERRITORIES

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The meeting was called to order at 10.30 a.m.

AGENDA ITEM 78: REPORT OF THE SPECIAL COMMITTEE TO INVESTIGATE ISRAELI PRACTICES AFFECTING THE HUMAN RIGHTS OF THE PALESTINIAN PEOPLE AND OTHER ARABS OF THE OCCUPIED TERRITORIES (A/49/56-S/26926, A/49/67, A/49/172, A/49/287 and Corr.1-S/1994/894 and Corr.1, A/49/288-S/1994/903, A/49/448, A/49/511, A/49/549-S/1994/1185, A/49/598, A/49/599, A/49/600, A/49/601 and A/49/646-S/1994/1261)

1. Mr. KALPAGE (Chairman of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories) introduced the Special Committee's twenty-sixth report, which covered the period from 28 August 1993 to 26 August 1994 and which should be considered together with the Special Committee's two periodic reports (A/49/67 and A/49/172). During the period under review, two historic events had taken place: the signing by Israel and the Palestine Liberation Organization (PLO) of the Declaration of Principles on Interim Self-Government Arrangements and the Agreement on the Gaza Strip and Jericho Area. The international community harboured the hope that both of those events would usher in a new era of peace, justice and respect for human rights for all peoples of the Middle East. However, in spite of those positive developments, the Government of Israel had again denied the Special Committee access to the occupied territories. The Special Committee had therefore had no other choice but to base its findings, once again, on reports appearing in the Israeli press, the Arab press published in the occupied territories and written reports from Governments, organizations and individuals.

2. In its report, the Special Committee had tried to establish whether the encouraging political developments in the area had generated any significant changes in the general situation affecting the human rights of the Palestinian people and other Arabs in the occupied territories. With regard to the areas under the Palestinian Authority, the situation remained complex. That was due in part to the fact that those territories were cut off from each other. The principal source of tension in Gaza was the existence of settlements and the presence of the Israeli Defence Forces. In addition to the expansion of a number of settlements in the Gaza Strip, the situation was further complicated by the building of roads connecting the settlements and the extension of the security zone around them. The economic and social situation in the Gaza Strip had not improved owing to the fact that the majority of inhabitants depended on Israel for income.

3. In Jericho, tension had been created by the arrival of more than 500 Palestinian prisoners who were to serve the remainder of their sentences there and for whom appropriate detention facilities did not exist. Another problem involved the lack of a clear delineation of Israeli and Palestinian responsibilities. With regard to the other parts of the occupied territories that were not under Palestinian administration, the human rights situation remained serious. Although the level of demonstrations, killings and confrontation on the streets had declined, no dramatic improvements had been reported. It should be emphasized that the principal source of tension in the

occupied territories was the existence of settlements and the behaviour of the settlers in the wake of the signing of the Declaration of Principles.

4. During the period under review, an increasing number of Israelis was reported to have been killed as a result of incidents such as bombings. In 1994, more than 35 Israelis had been killed. As a consequence of those criminal acts, the Israeli authorities had continued to impose measures of collective punishment, in particular curfews.

5. The Israeli-PLO Agreement on the Gaza Strip and Jericho Area, signed in Cairo on 4 May 1994 provided for the release of about 5,000 Palestinian prisoners within a period of five weeks. So far, some 4,450 prisoners had been released.

6. The Special Committee had been particularly preoccupied to learn that torture and ill-treatment in Israeli prisons and detention centres had continued during the period under review. During that period, the overall number of house demolitions had decreased. Nevertheless, the Israeli authorities had continued to take harsh measures against the families of detainees.

7. The Special Committee was confident that the early transfer of responsibilities to the Palestinians in the fields of education and culture, health, social welfare, direct taxation and tourism would bring about an immediate improvement in the daily lives of the population of the occupied territories. The determination, wisdom and the spirit of understanding that had led to the signing of the Declaration of Principles and the Cairo Agreement must be translated into reality through practical compliance with all universally accepted norms of international humanitarian and human rights law.

8. The Special Committee hoped that its findings would be taken into account in the determination of concrete measures to give life to the spirit of the recent positive developments. Israel should not only apply fully the relevant provisions of the Fourth Geneva Convention and all resolutions pertinent to the occupied territories adopted by United Nations organs and specialized agencies, but should also cooperate fully with the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), the International Committee of the Red Cross (ICRC), the United Nations Special Coordinator in the Occupied Territories and the United Nations Centre for Human Rights.

9. The Special Committee recommended that serious consideration should be given to the following concrete measures: establishment of clear rules of engagement and open-fire regulations for its security forces; investigation of all incidents of shooting and exercise of the utmost restraint in responding to outbreaks of violence; immediate cessation of activities of undercover units; review of the policy of arming settlers, strict control over any abuses perpetrated by settlers and prosecution of those responsible; review of the whole policy on settlements, the halting of their expansion and the abolition of the current policy of land confiscation; equitable enforcement of the law and thorough and impartial administration of justice; immediate cessation of interrogation practices that used torture and ill-treatment and publication in

full of guidelines concerning interrogation procedures; review of the situation of all Palestinian and other Arab prisoners, especially political detainees or those who had committed non-violent crimes, and their speedy release; abstention from detaining residents of the occupied territories within Israel; granting of permission to all persons who had been deported or expelled from the occupied territories to return; and cessation of all measures of collective punishment as well as discriminatory measures concerning the use of water resources. A positive approach in that regard could further strengthen the peace process, thus enabling all the people in the occupied territories and the region to live in harmony, dignity and peace.

10. Mr. KAMUNANWIRE (Uganda) said that his country welcomed the Madrid Conference, the Washington Declaration of Principles and the Cairo Agreement on the Gaza Strip and the Jericho area. It recognized that they were steps in the right direction towards the comprehensive settlement of the Middle East question, of which Palestine was at the core. In that regard Uganda commended the efforts of the international community and the parties directly involved. In welcoming such achievements, however, it should be borne in mind that they were only stages towards the total liberation of the occupied territories and the restoration of political stability in the region. The people of Palestine must be enabled to secure full self-determination, with a State of their own. His delegation urged both the Israelis and the Palestinians to continue working together in a spirit of compromise in order to make further progress in the negotiations and to give impetus to the peace process.

11. Uganda recognized that the conflict between Israel and its neighbours, particularly the Palestinians, had long resulted in untold suffering. His delegation looked forward to the total withdrawal of Israel from all the occupied territories and re-echoed the need for the United Nations and the international community to assist the Palestinian leadership in its difficult task of rehabilitation, rebuilding and reconstruction. It was particularly crucial because the peace process would only succeed on a sound political and economic foundation.

12. His delegation welcomed the recent historic peace agreement signed by Israel and Jordan. It also recognized the current initiatives between Israel and her other neighbours. The developments offered hope for future mutual cooperation in the Middle East. Moreover, they were necessary elements in the comprehensive settlement of the Middle East problem.

13. Lastly, he said that his delegation shared the view that both the Israelis and the Palestinians were on the right course for a lasting solution. In recognition of the developments, his country had resumed normal diplomatic relations with Israel.

14. Ms. ABDELHADY (Observer for Palestine) said that, despite the positive developments in the peace process, Israeli occupation practices and policies remained unchanged, resulting in the continued violation of the human rights of the Palestinian people.

15. Israel continued policies and practices which violated the fourth Geneva Convention of 12 August 1949 and other human rights instruments. Practices with regard to illegal settlements, Jerusalem, the repeated closure of the occupied territory, in addition to killings, harassment and collective punishment, were matters of high concern. Such actions had inevitably led to a worsening of the economic and social conditions in the occupied territory. The blocking of access to Jerusalem had also prevented many Palestinians from exercising their freedom to worship in the Holy City.

16. Land confiscation and settlement activities had also continued, albeit at a slower pace. The Israeli Government maintained its illegal policy of building settlements in the occupied territory, particularly in Jerusalem. Recent announcements revealed Israel's intentions to build thousands more units in the West Bank along the separation line between Israel and the occupied Palestinian territory. Israel's practice in that regard, which seriously affected the human rights of the Palestinian people, was in violation of the fourth Geneva Convention of 12 August 1949 and of the spirit and letter of the Declaration of Principles, since it aimed at changing the status of the occupied territory.

17. Over the past year the violent actions of illegal, armed Israeli settlers had caused the death of numerous Palestinians. The main threat to the peace process currently stemmed from the criminal actions by the Israeli settlers, illegally brought into the occupied territory in violation of Article 49 of the fourth Geneva Convention and numerous Security Council resolutions. The critical situation was confirmed by the massacre, on 25 February 1994, of Palestinian worshippers by an extremist Israeli settler in the Mosque of Ibrahim in the town of Hebron in the occupied West Bank. The adoption by the Security Council of resolution 904 (1994) and the subsequent deployment of the temporary international presence in Hebron (TIPH) had helped to defuse the situation and alleviate the suffering of the Palestinian people in Hebron.

18. The Declaration of Principles had postponed negotiations on the issue of settlements to a later stage. The two parties must expedite the negotiations, or deal with the matter, at least in part, should the actions of the settlers threaten the peace process. Moreover, the implementation of the next phase of the Declaration of Principles, including the redeployment of Israeli forces outside populated areas in preparation for the Palestinian general election, required the removal of Israeli settlers from such populated centres as Hebron and Nablus.

19. Israel remained an occupying Power until the moment that full Israeli withdrawal from the occupied Palestinian territory was completed and the right to self-determination, and all other fundamental human rights, were exercised by the Palestinian people on their land. It was time for the Israeli Government to accept the de jure applicability of the fourth Geneva Convention of 12 August 1949 to all of the occupied Palestinian territory, including Jerusalem, and to declare its readiness to abide by its provisions scrupulously. The Israeli authorities, continued refusal to cooperate with the Special Committee was regrettable. As long as the occupation remained in existence and violations persisted, the Committee's mandate was not fulfilled. Investigation

of Israeli practices affecting the human rights of the Palestinian people in the occupied territory must continue. The continued violation of the human rights of the Palestinian people in the occupied territory represented a real danger to the peace process, with all the attendant consequences. Basic changes had been introduced to the resolutions under the item the previous year, and her delegation was ready to work with all Member States on updating the resolutions that would be adopted by the General Assembly under agenda item 78, while maintaining fundamental positions of principles.

20. Mr. PARKER (United States of America) said that his country was committed to the achievement of a just and lasting peace in the Middle East and to the current process of negotiation on the basis of the framework agreed at Madrid in October 1991. The significant progress achieved in that process was highly encouraging. The international community had welcomed the signing of the Declaration of Principles and the implementing agreements concerning self-government in Gaza and Jericho. Despite the efforts of the enemies of peace to derail the process, negotiations continued between the two parties on the implementation of those agreements.

21. The establishment of the interim self-governing authority invested with extensive responsibility for Palestinian affairs in the Gaza Strip and the Jericho area was a significant step. Negotiations on further extending the scope of Palestinian responsibility were continuing.

22. A draft resolution was again being proposed in 1994 to renew the mandate of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs in the Occupied Territories. The United States was interested in the question of human rights in the occupied territories and maintained an active dialogue with the parties involved. It would be prepared to consider a draft resolution that addressed all practices affecting human rights in the territories, but the one proposed did not do that. The United States did not consider that the Special Committee contributed to the promotion of human rights. The Committee's mandate was not to investigate all practices affecting human rights in the territories. Such a mandate could not ensure balance and objectivity. The Committee was a remnant of an earlier era of confrontation and, as such, should be consigned to the past. Its functions should be entrusted to the High Commissioner for Human Rights and the resources allocated to finance it should be applied to improving the economic situation of the Palestinians.

23. If the draft resolution on the Special Committee's mandate were brought to a vote, the United States would vote against it.

24. Mr. MOHAMED (Sudan) drew attention to a number of aspects of the Special Committee's report (A/49/172) which were evidence that Israel was continuing its earlier practice of terrorizing the civilian population of the occupied territories and that Israeli settlers, with the connivance of the Israeli defence forces, were still committing atrocities against the Palestinian population. That population was also suffering from a deterioration in its economic situation and in health care, many thousands of Palestinians were

imprisoned and their freedom of movement, education and religion were being violated.

25. His delegation condemned the demolition of houses, mass expulsions and the imposition of curfews, as being incompatible with the principles of humanitarian law. The practice of constructing settlements in the occupied territories, in defiance of the fourth Geneva Convention and numerous resolutions of the Security Council, was also illegal. The practice of annexing and confiscating Palestinian land was continuing. The Israeli authorities were not complying with resolutions concerning the Syrian Golan, in particular Security Council resolution 497 (1981) of 17 December 1981. The Sudan consistently supported the inalienable right of the Palestinian people to self-determination and to the establishment of an independent Palestinian State, and called on the Palestinian people and its leadership not to allow themselves to be drawn into bloody conflicts unleashed by the agents of zionism.

26. Mr. SHAKED (Israel) pointed out that in the year that had passed since the previous session of the General Assembly some important events had occurred in the Middle East leading to the signing in Washington of the Declaration of Principles between Israel and the Palestine Liberation Organization (PLO). The first such event had been the signing in Cairo on 4 May 1994 of the Agreement on the Gaza Strip and the Jericho Area. Another important accomplishment had been the agreement reached on the transfer of powers and responsibilities between Israel and the PLO, after which an immediate start had been made on the transfer of empowerment in the sphere of education. The handing over of powers in the spheres of welfare and tourism had taken place only a few days previously, and the transfer of health and taxation would take place in the coming days. The successful completion of the current stage of the process of transferring authority was an important element in building confidence between Israel and the Palestinians. Furthermore, as soon as that agreement had been fully implemented, discussions would begin on other components of the Declaration of Principles, such as elections for the Palestinian Council and the redeployment of the Israel Defence Force.

27. Unfortunately terrorist organizations opposed to the peace process had carried out numerous murderous acts during the previous year. Israel viewed such actions as a direct challenge to the peace process and found it imperative to take special measures to restore order and stability in the territories and to provide security for all their inhabitants, Arabs and Israelis alike. Above all, the Government of Israel had made every effort to expedite the peace talks with the Palestinians and other Arab partners, as the best response to all extremists. Those efforts had resulted not only in several concrete steps forward in implementing the agreements with the Palestinians but also in the conclusion of the peace treaty between Israel and Jordan on 26 October 1994.

28. However, much still remained to be done to consolidate the bilateral agreements that had been achieved so far, and to bring about a full and comprehensive peace in the Middle East. His delegation looked forward to progress in the talks with the Syrian Arab Republic and Lebanon to conclude a comprehensive peace agreement. At the same time, he noted that, in the current

interim period, the Palestinian Authority was facing the complex challenge of creating a viable Palestinian economy and building independent Palestinian economic institutions in the territories, and that it was in the interest of the entire international community to provide assistance to the Palestinians. Successful economic development would increase the chances for success of the entire peace process, since it would eliminate the basic reasons for the growth of radical tendencies.

29. Considerable progress had also been made over the past year in the context of multilateral efforts to promote the peace process. Important meetings had taken place in Morocco, Tunisia, Oman, Qatar and Bahrain where Israelis, Palestinians and representatives from various Arab countries had discussed issues relating to the future of the Middle East.

30. The positive changes taking place in the Middle East must be supported and encouraged, and the United Nations could contribute greatly towards that end. First, it should complete the process started at the previous session of the General Assembly to bring its resolutions into accord with the new reality in the Middle East. Second, it should avoid renewing the mandate of the outdated Special Committee to Investigate Israeli Practices. Its budget should be directed to meeting the urgent specific needs of the new Palestinian Authority. Third, it was essential to coordinate and strengthen United Nations assistance to the Palestinian people. Fourth, an atmosphere supportive of the ongoing process should be created through a recognition that fruitful dialogue and significant steps towards peace in the region had taken the place of one-sided criticism.

31. Mr. YAHYA (Malaysia) said that, since the establishment of the Special Committee 25 years previously, the Committee had never received the necessary cooperation from the Israeli authorities, who continued to deny it access to the occupied territories. Given the current developments in the region, Malaysia hoped that the Israeli authorities would review favourably their position regarding the requests of the Special Committee. With regard to the draft resolution circulated by the delegation of Palestine, Malaysia supported its main thrust, as it reflected the current realities and took into account the situation in the occupied territories.

32. Mr. SAMADI (Islamic Republic of Iran) said that the reports of the Special Committee clearly underscored the fact that the general situation of human rights in the occupied territories still remained a matter of serious concern, as the Israeli occupying authorities continued to inflict harsh measures and practices upon the civilian population of Palestine, violating such fundamental freedoms as the freedom of movement, education, expression and religion. One example was the massacre at the Ibrahimi Mosque in Hebron during the morning prayers on 25 February 1994. According to the report of the Special Committee (A/49/511), one of the most serious developments adversely affecting the situation of human rights in the occupied territories was the sharp increase in the number of violent acts committed by settlers against Arabs and their property. The expansion of settlements and confiscation of land in the occupied territories also needed to be considered. It was stated in the report that,

even after the establishment of the Palestinian Authority, some 40 per cent of the territory in the Gaza Strip was still taken up by settlements, military installations and the so-called "yellow" security zones. The report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) also referred to the continuing construction of housing in Israeli settlements in the West Bank and Gaza Strip.

33. During the period under consideration, the fundamental rights of the Palestinians and other Arabs had been routinely violated by the imposition of measures such as collective punishments and the systematic use of curfews. After the tragedy in the Ibrahimi Mosque, Israeli forces had tightened existing restrictions on movement, and the sealing off of the occupied territories had led to increased losses for Palestinian workers and had aggravated the already critical economic situation in that region. The report of the Special Committee had gone on to state that hospitals and medical institutions had been fired at, raided or used as outposts by the army, and that the freedom of education had been hindered sporadically, especially with regard to the movement of students and teaching staff.

34. In conclusion he stressed that the only guarantees of a comprehensive and just solution to the Palestinian problem lay in full realization of all the rights of the people of Palestine, including the return of all Palestinian refugees to their homes, enabling them to exercise their inalienable right to self-determination, and in the liberation of all the occupied territories.

35. Mr. ASHIKI (Japan) said that during 1994 the international community had witnessed historic progress in the Middle East peace process. Japan welcomed those achievements and paid tribute to all the parties concerned for their extraordinary efforts and courage, inspired by a firm determination to attain peace. He hoped that the agreements reached would provide a strong impetus to the peace negotiations between Israel and the Syrian Arab Republic and between Israel and Lebanon. Japan reaffirmed its commitment to the peace process, intended to participate actively in the multilateral negotiations, and expressed its readiness to extend assistance to the Palestinians and to other parties in the region.

36. At the same time, Japan was profoundly concerned about the recent clash between the Palestinian police force and Palestinians, and again called upon all those concerned to refrain from violence and to cooperate with a view to resolving the situation peacefully. Japan sincerely hoped that that incident would not affect the ongoing peace process as a whole. However, the situation in Gaza and the West Bank would remain tense, and the Palestinians would experience frustration unless they saw tangible improvements in their daily lives as a result of self-rule and progress in the peace process. It was essential that the international community should continue to extend assistance to the Palestinians.

37. Mr. WOLFF (Germany), speaking on behalf of the European Union and also of Austria, Finland, Norway and Sweden, said that the signing by Israel and the PLO of the Declaration of Principles had been merely the beginning of a long process

of overcoming the painful legacy of the past. In the time since that event, perceptible progress had been made, reflected in the conclusion of a series of agreements and arrangements. The redeployment of the Israeli forces from the areas under self-rule had led to a decrease in tension and violence, and thanks to the establishment of the Palestinian Authority, the Palestinians had begun to take their affairs into their own hands. But the acts of violence that had taken place over the past months had shown how vulnerable the process still was, and that there were elements on both sides who wished to derail it.

38. The European Union recognized that, in order to maintain the momentum, it was necessary to support economic and social progress in the occupied territories as the most crucial aspect of the peace process. The European Union reaffirmed its attachment to the achievement of a just, durable and comprehensive settlement of the Palestinian question and of the entire Arab-Israeli conflict on the basis of the pertinent Security Council resolutions and also of the principles of international law. It was up to the parties to that process to set the conditions for such a settlement. For its part, the European Union was determined to play an active, constructive and balanced role in that process.

ORGANIZATION OF WORK

39. The CHAIRMAN suggested closing the list of speakers on agenda item 78 at 6 p.m. He took it that the Committee supported that suggestion.

40. It was so decided.

41. The CHAIRMAN suggested noon on Friday, 25 November, as the deadline for submission of draft proposals on that item. He took it that the Committee supported that suggestion.

42. It was so decided.

The meeting rose at 12.05 p.m.